Michigan Libertar-

Volume 33, Issue 4 September/October 2004

LPOC Launches Blog

by Nathan Allen

Oakland County Libertarians launched a blog on their web site this week. The blog is intended to highlight problems and issues facing Oakland County residents and offer Libertarian solutions. Periodically, other news items of interest will be posted to the blog.

Every day one of the Libertarian Party of Oakland County (LPOC) bloggers will post an item to the blog referencing an article in one of the local newspapers. Blog readers will then be invited to comment on the issue and suggest possible libertarian solutions or solutions that can be achieved through less government rather than more government regulation and taxes. Everybody in Oakland County is welcome to participate. We will even extend a special invitation to L. Brooks Patterson and hope he finds where Libertarians have some common ground with his own party.

"More often than not we see the county government or (cont'd on pg. 10)

L P M I

Libertarian Party of Michigan 913 W. Holmes Lansing, MI 48910 Tel: (888) FREE NOW http://lpmich.org

Badnarik Ballot Project

by Leonard Schwartz

State law requires that each political party provide the names of its candidates for president and vice president to the secretary of state one business day after the party's state or national convention, whichever is later. For the first time in the history of the Libertarian Party of Michigan, its officers failed to give prompt notice.

In June the secretary of state's Bureau of Elections notified LPM that it was considering excluding Badnarik from the ballot. (The article in the last issue of the Michigan Libertarian incorrectly stated the secretary of state had already ruled that Badnarik was ineligible.)

I coordinated the effort to get Badnarik on the ballot. This first

involved legal research to find legally valid reasons to justify placing Badnarik on the ballot, notwithstanding LPM's failure to give prompt notice. Then it involved dealing with bureaucrats in the Bureau of Elections and, after they referred the issue to the attorney general's Bureau of Government Affairs, bureaucrats in that agency.

Holding a second state convention on July 21 to ratify the nomination of Badnarik and Campagna was part of the strategy. It provided a justification.

Our biggest problem was getting the bureaucrats to make a decision. In bureaucracies, careers are based on avoiding bad decisions. And the best way to avoid a bad decision is not make any decision that is potentially controver-

sial. We feared that the bureaucrats would delay making a decision indefinitely. We feared that LPM would need to go to court and ask a judge to make a decision. This would be time-consuming, expensive, and risky.

Fortunately, after nearly two months of e-mail and phone conversations, the bureaucrats agreed to place Badnarik on the ballot.

Getting Badnarik on the ballot was time-consuming and stressful. I spent over 120 hours on this project. I had invaluable help from Bill Hall, who is the attorney for the Libertarian National Committee; Richard Winger, who is the editor and publisher of Ballot Access News; and Tim O'Brien, who is a former LPM chair and executive direc (cont'd on pg. 10)

Running an Educational Campaign

by Greg Dirasian

Introduction

Thank you for being a Libertarian candidate and putting your name on the ballot. If you are not running an active campaign, then you must be an educational candidate. At this point in the growth and evolution of the Libertarian Party you are one of the most important assets we have. Merely by putting your name on the ballot you are showing voters and your friends and neighbors that Libertarians are everywhere. You are helping to build awareness of the Libertarian Party and "brand-name" recogni-

tion.

If you do nothing else, then know you are helping to advance the cause of liberty and freedom for EVERYBODY.

We hope that you will at least fill out and promptly return any surveys/polls that you receive from organizations like the League of Women Voters, local newspapers, and special interest groups (contact your local chair if you need assistance).

If you want to do more than sit around and wait for a questionnaire from the League of Women Voters, then here are some suggestions for things to do that are effective and things you shouldn't bother doing because they do not yield results and are just a waste of time and money.

Is My Race Unwinnable?

Yes. If you are reading this document, then yes, your race is unwinnable. If you are not already known in your district, if you don't have an experienced campaign manager, if you don't have at least \$3/vote to spend on your campaign, it is unwinnable.

But,

(cont'd on pg. 3)

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Economics, Ideology, and The Protection of Marriage

by Leonard Schwartz

Many couples get a marriage license for economic reasons. Some couples get a marriage license because they worship the government and consider a government license a worthy seal of approval.

On the other hand, some couples have a religious wedding, but don't register their marriage with the government. Their religious community and other persons who respect them therefore consider them married. But the government does not. The reasons for not getting a marriage license can be economic, ideological, or legal.

1. Economic Reasons:

Some couples are better off economically if they don't get a marriage license. This is especially true in Michigan. The Michigan homestead property tax exemption and homestead property tax credit discourage registration of marriages. A couple that didn't register their marriage can get a homestead property tax exemption and homestead property tax credit on two homes. But a couple that registered their marriage can get a homestead property tax exemption and homestead property tax credit on only one home.

Medicaid benefits and social security benefits can be greater if the couple didn't register their marriage. If each partner has approximately equal income, federal income taxes are lower if the couple didn't register their marriage.

Although a couple hopes that their marriage will last until death, about half of marriages don't. Splitting up is simpler, and therefore less expensive, if the couple didn't register their marriage.

2. Ideological Reasons:

A marriage license is a government creation. By getting a marriage license, a couple becomes subject to laws to which they would not otherwise be subject. Many persons consider marriage to be essentially religious. Some couples don't get a marriage license, and some members of the clergy refuse to sign marriage licenses, because they don't want to turn a religious institution into a government institution.

Many persons consider marriage to be essentially private. Some couples don't get a marriage license because they don't want to turn a private institution into a government institution.

3. Legal Reasons:

Some couples want a marriage license but don't get one because the government won't give them one. All states refuse to issue a marriage license to anyone who currently has a legally binding marriage to someone else. Some states refuse to issue marriage licenses to first cousins. Many states refused to issue marriage licenses to interracial couples until the U.S. Supreme Court declared those laws unconstitutional in 1967. Nearly all states refuse to issue marriage licenses to same-sex couples.

Vermont allows couples to register a "civil union." Under Vermont law, the distinction between a civil union and a marriage is a distinction (cont'd on pg 11)

Running an Educational Campaign

(cont'd from pg 1)

unwinnable does not mean that you will achieve nothing. You can still move government in a libertarian direction even if you don't win your race.

Goal Setting

If you set the right goals, you can be more effective than somebody who sets the wrong goals but spends more time and money than you. Since time and money are two very limited assets, it is important not to waste them.

For example, I was speaking to a candidate who believes that he is going to win because he has proof that both his Democrat and Republican opponents have committed sexual harassment. Multiple people have told him that the voters don't really care about such issues, but he is continuing his campaign unchanged. (As an example, if Bill Clinton, infamous for his sexual escapades, ran against George W. Bush, who do you think would win?)

What will he accomplish? Will he expose voters to Libertarian ideas? Probably not, because his message will be about sexual harassment. Will he recruit new members? Probably not, because he will be publicizing his opponents weaknesses. Will he get inquiries for the party? Probably not, because he is not seeking that. Will he build name recognition for himself for future runs for office? Probably not, because he will be known as a negative candidate talking about issues that most people do not find interesting (it is an unfortunate statement, but most people don't really care about sexual harassment).

So, what are good, achievable goals? The goals and the plan for achieving those goals are inseparable. Do not pick goals arbitrarily, but rather set your goals in conjunction with your plan. If you do not know how you will achieve your goal, then you have not thought through the process enough—spend more time thinking about it.

Fundraising

It is acceptable to raise funds from other people for an educational campaign IF you set goals and work to achieve those goals. It is not acceptable to raise funds for an unwinnable campaign if your goal is to win. If you raise money and waste it, you make it more difficult for other Libertarians to raise money, and virtually impossible for you to ever raise money again. You MUST be ethical in stating how you will use the money, what goals you will work towards, and then reporting those goals.

Things to Do

Photo and Bio:

You can start by sending a photo and brief biography to the press. Go to a studio and get a professional photo done. Shop around for a photographer, prices vary greatly. When you get your photo, print a label and stick it on the back. The label should include your name, the date, and the office you are seeking. Optionally, you can list an email address, web site, or telephone number. Please bear in mind that the newspapers you send this to will keep it for a long time, so if you are going to add the optional contact info to the back, it would be nice if you knew that info would be good for at least 4 years.

Men: Wear a suit coat and tie in your photo. To prevent the coat from riding up and giving you odd looking shoulders, pull it down in the back and sit on the bottom of the coat while posing for the picture.

Women: Also, wear a suit. If you need help with makeup, or even just a new look, spend the money on yourself and get professional help. If you are unsure wear to go, begin at a department store cosmetic counter. Ask them if they know somebody who can do your makeup, odds are they have a friend who will help you for a small fee.

Now that you are a candidate, editors are more inclined to publish your letters and even accept an editorial from you. Use the word "Libertarian" frequently. For example, "Libertarians believe in smaller government."

Many papers have a limit on frequency of publication of letters from an individual—even a candidate. Learn what your paper's policy is and then use it to your advantage.

Read the paper frequently and look for coverage about your opponents. If both the Democrat and Republican have been quoted in the article and you have not, give the reporter a phone call and politely remind him/her that you are also in the race and have a viewpoint on the matter. Odds are that if you are polite, intelligent, and interesting, the reporter will call you the next time there is article about your race. Don't expect as much coverage as the Democrat or Republican.

Developing this kind of rapport with the reporter will serve you into the future. After the election is over, the reporter may call you on other issues—especially those relating to the performance of the winner of your race. It should be a pleasurable experience for the reporter to talk to you—even if the reporter disagrees with you, he/she frequently wants to cover many angles of a story. I reiterate, be polite, intelligent, and interesting.

Press Releases:

You can also issue press releases. Please note the difference between a press release and a letter to the editor. A press release announces an action or news. Here are some titles for press releases:

- "6 Candidates Sign Eisenbacher Pension Pledge" - during a city council campaign, Eisenbacher asked his opponents to sign a pledge indicating that they would not take a pension. A city council pension was already an issue in the race.
- "Howrylak Denounces Political Vendettas" - during a campaign, a Howrylak supporter was not renewed to her volunteer position on a city board.
- "Stahl Forms Private Charity to Save Wetlands" – in one campaign where a special tax to save the wetlands was an issue, this was one possible solution we considered.

There are two ways to send out press releases. Email is free. Faxing may or may not cost you. Most computers these days come with broadcast fax capability. Build your list of contacts and fax out your information. Likewise with email. There are also services that you may want to consider using. Here are two that youmay want to investigate:

- http://www.prweb.com/
- http://www.xpedite.com/

Creative titles are important to get the reporters attention. If you don't have their attention right away, your press release is in the wastebasket. Your title and your opening should grab the reader's interest. You don't need to say everything in the press release. As long as your contact info is on the release, reporters will call (cont'd on pg 9) you if they want more.

Lights of Liberty Deadline! Chair's Message

Deadline looms for 2004 Lights of Liberty awards.

The clock is ticking for libertarians in Michigan who want to help promote the libertarian movement — and earn valuable prizes and public recognition for doing so.

That's because December 31, 2004 is the deadline to qualify for the annual Lights of Liberty awards, sponsored by the Advocates for Self-Government.

"If you help publicize libertarianism in a positive way in 2004, we want to reward you,' said Advocates President Sharon Harris. "We know the best way to spread the word about liberty is for libertarians to reach out to people in their community, and the Lights of Liberty program encourages that kind of vital grassroots activity."

The Lights of Liberty program honors activists who:

- * Get three letters using the words "libertarian" or "libertarianism" printed in a non-libertarian newspaper, magazine, or other publication. Or...
- * Work at an Operational Politically Homeless (OPH) booth on three different days, for two hours or more per day. Or...
- * Give three speeches to predominantly non-libertarian groups such as service clubs, classrooms, political rallies, or Toastmasters, using the words "libertarian" or "libertarianism."

In 2003, three libertarians in Michigan qualified as Lights of Liberty winners - and Harris said she would like to see even more this

"Imagine the effect if every libertarian activist in Michigan set out to accomplish these highly effective goals this year!" she said. "It would generate a significant increase in public awareness of libertarianism in the state."

In addition, outreach opportunities are especially plentiful this year because of the presidential election, Harris noted.

"With the spotlight on the presidential race, people are paying more attention to politics, so the power of our message is amplified," she said.

"Plus, in an election year, your outreach can do double duty. You can not only promote libertarian ideas, but also Libertarian candidates."

Although the Advocates is nonpartisan, Libertarian Party outreach activities and LP campaign activities do qualify for Lights of Liberty recognition.

To qualify for the 2004 awards, outreach activities must be completed between January 1 and December 31.

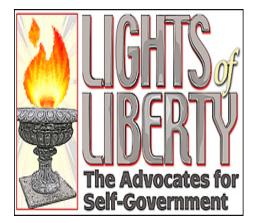
Lights of Liberty winners will receive:

- * An award certificate, suitable for framing.
- * Their name on the 2004 Lights of Liberty Honor Page at the Advocates Web site.
- * Their name listed in an Advocates' ad in LP News.
- * A 20% discount coupon off any order from the Advocates' catalog of libertarian outreach and educational products.
- * Their name entered in a drawing for the rare and valuable "Libertarian Library" autographed copies of every book written by Libertarian Party presidential candidates since John Hospers in 1972.

Since the program started in 1998, there have been Lights of Liberty winners in 46 states (plus Washington, DC) and in five foreign countries (Italy, Australia, Canada, Seychelles, and Great Britain).

To qualify for the Lights of Liberty awards, submit your name (or the names of other individuals who engaged in outreach activity) at: www.TheAdvocates.org/lights.html. Or e-mail: Lights@TheAdvocates.org. Or call: (800) 932-1776.

The Advocates for Self-Government is a nonprofit organization that encourages the public to understand and embrace libertarian ideas, and teaches libertarians how to be more compelling communicators.



by Mike Donahue

Well, this has been a busy summer. The first problem was with the Michigan Secretary of State's Office and its Bureau of Elections. You've no doubt heard all about that by now so I won't bore you with a rehash of the details. The important thing is that we finally prevailed and Michael Badnarik and Richard Campagna are on the Michigan ballot for President and Vice President, respectively. That's all that counts.

Now, what happens? We work for their election, that's what. Please dig down deep and give all that you can to support the campaign. The national co-chairs of the campaign, our own Fred and Barb Collins, are working theiroff and the least we can do is give whatever we can to finance the effort. They have already proven the worth of electronic media in a pilot program in New Mexico a few weeks ago. After a two week blitz in that state Michael's approval rating went up significantly and even the Bush campaign noticed and made sure the President made an unplanned stop in New Mexico to counter the impact Michael was having with the voters. We know we can have success this election season. We just need the donors to make it happen. We have a great candidate. Let's make sure the country knows about him.

We were all overjoyed with the results of the marijuana proposal on the ballot in Detroit this past August . The proposal passed by almost 2-1 and the whole thing would never have happened if it weren't for the untiring efforts of our own Tim Beck of the Wayne County Affiliate. He has made us all proud by the success of this effort to prevent the Detroit police from enforcing any prohibition against the use of marijuana in the city limits of Detroit. It shows what one person can do. Congratulations, Tim, and thank you. Now if we can have the same kind of success with the proposal in Ann Arbor in November we'll have two cities that have moved into the Twenty-first Century. Maybe there is hope after all.

On another front, the LEC has made some headway with important events planning for the rest of the year. The Capitol Area Affiliate, led by Chairman Bob Broda, has agreed to once again host the Libertyfest in November. A major speaker is being lined up and along with the annual Libby Awards the evening is sure to be a great time for

(cont'd on pg 8)

LPM Committee Meeting Minutes

Minutes of LEC Meeting of July 25, 2004

Meeting called to order at 12:06 by chairman Donahue.

At Large member Stempfle absent, Treasurer White in the office, but arrived in conference room at 12:25.

Motion by Allen, second by Miller, to waive reading of minutes for May 16 meeting.

Motion Passed.

Chairman's Report: Participants in the pledge program have been notified of the closing of the old office. Background was given regarding the need for the special convention of July 21. Paperwork was accepted by the Secretary of State on Monday, the 26th, showing the LPM's certification of Badnarik and Campagna as our presidential and vice-presidential candidates, but nothing has been heard since then. Discussion ensued. Lawsuit may need to be filed by mid-week.

Motion by Miller, second by Allison, to retain counsel to represent the LPM and deal with the ballot issue. The four officers of the LEC are to oversee and are empowered to spend up to \$5000.

Motion passed unanimously.

Due to heavy school load, Greg Stempfle has resigned his position. Miller nominated Dick Jozwiak; there was no second. White nominated Keith Edwards, who declined. Allen nominated Jerry Bloom. Second by Sheill. Nominations closed. Jerry Bloom selected to fill Greg Stempfle's At Large position by unanimous vote.

Treasurer's Report: Treasurer White presented his report and asked for clarification on the Operation Farm Team Balance.

Vice-Chair Report: Miller reported that he has been recovering his health. Field Director Bill Gelineau reported on his work. Trafton Jean has taken on duties of Office Manager. Ernie Whiteside will take on Membership Outreach. Isabella County is organizing to form a separate affiliate. Total office budget projected to be \$7200.

Extensive discussion on database, including problems with membership expiration dates.

Discussed possibilities of switching to system being implemented by National when their new system is ready. Donahue will work with Allison and Greg Dirasian to smooth out difficulties.

Bloom inquired if St. Clair County is a recognized affiliate. Old minutes will be checked.

Recess at 2:33. Return at 2:43.

Secretary Report:

Rae Jozwiak reported on her work in finding a location for the 2005 convention. Various affiliates were offered the opportunity to host it, with none accepting. Jozwiak moved to create a Convention Committee. Second by Allison.

Motion carried unanimously.

Donahue appointed Jozwiak as chair of Convention Committee. She may recruit members as needed.

Motion by Miller, Second by Sheill, to have 2005 convention in Mt. Pleasant area.

Motion passed.

No affiliate has expressed interest in hosting Liberty Fest.

Motion by Sheill, second by Bloom, to combine 2005 convention with Liberty Fest.

Motion Failed.

Bob Broda, chairman of Capital Area LP, announced that they would host Liberty Fest.

Budget Discussion: White presented a proposed budget. Motion by Bloom, second by Miller to close Operation Farm Team account and transfer funds to Candidate Education and Recruitment account.

Motion Passed.

Motion by White, second by Allen, to accept proposed budget.

Motion passed.

Newsletter Report: Jamie Lewis reported that due to the need to get the latest newsletter out to the members before the special convention, first class mailing was used. Due to his commitment to his serious campaign, he has resigned his position as editor, with Dan Sheill agreeing to take over.

Webmaster Report: Quinn relayed information from Steve VanTil regarding his new duties as webmaster. By changing our web host we can save some money and get more bang for our buck. Steve also suggests we have the lpmich.org name under LPM ownership/registration.

Motion by White, second by Miller, to

have domain name, registration, and ownership transferred back to the LPM.

Motion passed.

Quinn will contact VanTil for his proposals regarding web hosting changes.

Old Business: Donahue reported that the Stuart Ruley estate has not been completely settled yet.

New Business: Special meeting on August 29 is to discuss any organizational ideas for the LEC along with pros and cons of incorporation.

Bloom moved, seconded by Quinn, to fold Traverse Bay and Upper Peninsula affiliates.

Motion Passed

Discussion on promoting the Party this fall. There is a desire to do so, but no plans yet.

Meeting adjourned at 4:35

Minutes of Special LEC Meeting of August 29, 2004

Meeting called to order at 12:02 by Chairman Donahue.

Members present: Chairman Donahue, Vice-Chair Miller, Secretary Quinn, Treasurer White, At-Large Directors Allen, Allison, Jozwiak, and Bloom.

Absent: At-Large Director Sheill

A far ranging Discussion was undertaken relating to organization of the LEC.

Motion made by Bloom, second by Allen, to appoint Ernie Whiteside as chairman of the By-Laws Committee, with authority to select his own committee members.

Motion passed on voice vote.

Motion made by White, second by Miller, to appoint Keith Edwards to oversee creation of an operations manual and act as manual editor afterward, and make progress reports to the LEC secretary.

Motion passed on voice vote.

Motion by Allen, second by Miller, to spend up to \$2000 from Federal Campaign Fund for Badnarik Campaign.

Motion passed on voice vote.

Motion by White, second by Miller, to spend up to \$5000 on outreach in non-affiliated areas, with an additional \$10,000 available with LEC approval; and to spend up to \$500 in matching funds to individual affiliates (comd on pg II)

The Proper Application of Tax Law

by Ernie Whiteside

This article begins with the assumption that state and federal government are NOT applying tax law properly. The subject is so exhaustive that it can barely be touched upon in this discussion without loosing the true subject of the article. Just the same, we will make a few brief notes about the history of taxation and offer some references for further study. For the purposes of this example, we shall utilize the constitution and laws of the United States and of the state of Michigan (my home state).

[To better understand taxing authority and jurisdictional issues, visit http://www.originalintent.org/edu/.]

The Constitution of the United States

Article 1. Section 9. No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

Article 1. Section 8. ... Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises ...

From the year 1787, these articles of the constitution limited the collection of taxes to the indirect tax. Direct taxes bear upon persons, upon possessions, and enjoyment of rights (Knowlton v. Moore, 178 US 41). Capitation is an imposition that is yearly laid on each person according to his estate and ability. Duties, imposts and excises are the three forms of taxation that are classified as indirect taxes.

Amendment V. No person shall be ... deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.

From the year 1791, these few words limited the jurisdiction of the federal and state government by placing the private property of individuals outside of the normal jurisdiction of government except in consequence of criminal behavior or in rare exceptions where the government would be obligated to compensate the person for their lost property.

Early attempts to tax the private income (property) of individuals were repeatedly struck down by the Supreme Court. In 1913, the Constitution of the United States was amended:

Amendment 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

This amendment is perhaps one of the most controversial amendments in the constitutional history of the United States. Some maintain that the amendment modified Article I, section 9 and the protections of the Fifth Amendment. However, the Supreme Court has not supported this view.

"The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individuals' Right to live and own property are natural rights for the enjoyment of which an excise cannot be imposed." Corn v. Fort, 95 S.W.2d 620 (1936)

The Sixteenth Amendment did not repeal or alter in any way the constitutional limitations of Article I, section 9 or the protections of private property in the Fifth Amendment. The Sixteenth Amendment was drafted in response to questions that arose around the constitutionality of the 1909 Corporate Tax Act. What the amendment did was clarify the fact that corporate income, as defined by the 1909 Corporate Tax Act was not subject to apportionment.

"[Income] must be given the same meaning, in all the Income Tax Acts of Congress that it was given in the Corporate Excise Tax Act, and what that meaning is has become definitely settled by the decisions of this court". Merchants Loan & Trust v. Smietanka, 255 US 509 (1921)

So what income is it that was clearly made taxable, without apportionment by the Sixteenth Amendment?

"[Income is] derived from capital, the gain derived from capitol, etc. Here we have the essential matter, not gain accruing to capitol, not growth or increment of value in the investment; but a gain, a profit, something of exchangeable value... severed from capitol however invested or employed and coming in, being "derived", that is received or drawn by the recipient for his separate use, benefit and disposal, that is the income derived from prop-

erty. Nothing else answers the description..." Eisner v. Macomber, 252 US 189 (1920)

"Whatever difficulty there may be about a precise and scientific definition of 'income', it imports, as used here, something entirely distinct from principle or capital either as a subject of taxation or as a measure of the tax; conveying rather the idea of gain or increase arising from corporate activities." Doyle v. Mitchell Brother, Co., 247 US 179 (1918)

The real and personal property of individuals, including the income that they earn, continue to be protected by Article I, section 9 and the Fifth Amendment.

[To better understand taxing authority and jurisdictional issues, visit http://www.originalintent.org/edu/.]

Constitutional Tax History in Michigan

The territory of Michigan derived its taxing authority from what has come to be known as the Northwest Ordinance of 1787. This "ordinance for the government of the Territory of the United States, northwest of the river Ohio" is the basis for all laws, constitutions and states that were, or ever will be, formed in the Northwest Territory. The six articles of compact between the thirteen original states and the people and states of the territory, are "forever unalterable" unless by an act of the United States Congress. The original ordinance was enacted under what is referred to as the Confederate Congress, because the United States was established and governed under the Articles of Confederation. On August 7, 1789 the Northwest Ordinance was amended so as to adapt the same to the present Constitution of the United States.

When Michigan became a state in 1835, it drafted a constitution devoid of reference to any taxing authority. Its taxing authority was not established by its own constitution, the Northwest Ordinance of 1787 established it.

In 1850 the state of Michigan enacted a new constitution. It is apparent from the new constitution that the state was collecting taxes prior to 1850 and that there were concerns about the constitutionality of taxes then in force. The constitution reads, "The state may continue to collect all specific taxes ... " But what are these "specific taxes" that are mentioned?

We read on and discover, "The legislature

from corporations. ... The Legislature may provide for the assessment of the property of corporations, ... All taxes hereafter levied on the property of such classes of corporations..." It should be clear at this point that the property of individuals was off limits; it was the property of corporation that was subject to taxation.

The 1908 constitution of Michigan states that, "The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources." An imposition that is yearly laid on each person according to his estate and ability is a capitation and is prohibited by Article I, section 9 of the Constitution of the United States. If this tax were to be applied to "the life, liberty, or property" of individual persons, it would also be a serious violation of the Fifth Amendment. The tax is clearly a tax on corporations.

The 1908 constitution of Michigan continues, "The legislature may by law impose specific taxes, which shall be uniform upon the classes upon which they operate." Specific taxes, as previously defined, are taxed on "corporations", not individuals. The 1908 constitution clouds the issue by, in the first instance dropping the phase "from corporations" and using the phrase "specific taxes" as a substitute for "specific taxes from corporations" and in the second place, eliminating the phrase "of corporation" and using the word "classes" as a substitute for "classes of corporations". However, nothing had changed in 1908 to expand the taxing authority of the state. The Constitution of the United States still protects the individuals from capitation and direct taxation, it also protected their property right, including their right to earn income and own personal and real property.

The 1963 constitution of Michigan is even more vague about taxation, we read, "The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates."

If you've ever seem a slick con artist playing the pea under the shell game, you might suspect that the pea has been removed and none of the shells have peas under them. The

specific taxes mentioned in the 1963 constitution are still upon the classes of corporations, not the individuals, who are still protected from capitation and direct taxation by Article I, section 9, and whose life, liberty, and property are still protected by the Fifth Amendment.

Specific Taxes on the Property of Corporations

Constitutionalists everywhere already understand the issues of taxation and limited government jurisdiction, they are the choir and it sounds like I'm singing their song.

Libertarians probably haven't been exposed to many of these issue, but if this limits the size, cost and intrusive nature of government, it sound to them like I'm singing their song.

Greens are probably howling right now! How are they going to fund all of those social reforms without tax revenue? Quit howling and keep reading!

It may appear that this article is about protecting the real and personal property, including income, of most individuals from taxation; IT ISN'T!

It may appear that this article is about limiting the revenue available to government; IT ISN'T!

Do you remember the title? "The Proper Application of Tax Law: Why it Would NOT Destroy the Government"

Replacing the Personal Income Tax With a Property Tax on Corporations

When individuals (sole proprietors and partners) purchase labor, the property that they have purchased is theirs and is not subject to taxation. Individuals have an inalienable right to do business in this manner and the taxation of rights is direct taxation, unconstitutional under Article I, section 9. However, they (the sole proprietors and partners) remain personally liable for all of their business undertakings.

Corporations exist as a matter of privilege, they have no rights, and they are fictions created by the state and subject to regulation and taxation of their property, including labor. When a corporation purchases the services of an individual, they have acquired property, which is rightfully taxable.

Taxing corporations for the property, which they have purchased in the form of labor places the responsibility for reporting the value of that property and paying the tax on an entity that is properly within the constitu-

tional jurisdiction of the government. It protects individuals from an unconstitutional trampling of their constitutionally defined rights. And, it reduces the cost implementing the tax.

The actual revenue collected need not be reduced and this tax still has a negative impact on the cost of labor that must be carefully considered by legislators. Generally, the cost of this tax would be reflected in the cost of goods and services produced. Many small businesses could avoid paying this tax by organizing their business as a sole proprietorship or partnership but doing business in this way would remain to personally risky for large capitol ventures.

Taxing the Income of Individuals with International Entanglements

This issue is a bit more difficult to understand, but non-citizen individuals doing business in or employed in the United States or engaged in international business are not protected by Article I, section 9 or the Fifth Amendment. They engage in these undertakings as a matter of privilege, not as a right. Their property, including their income, is properly subject to taxation.

[For a better understanding of taxation of income based on source rules, visit http://www.861evidence.com/ or http://www.taxableincome.net/. Read the FREE report "Taxable Income", by Larken Rose (http://www.taxableincome.net/report/index.html).]

Replacing the Sales Tax With a Tax on the Personal Property of Retail Corporations

The current sales tax system is an abomination! It places the tax on the individual who's unlimited right to property, including their money, and the free exchange of that property including the purchase or sale of goods, is violated. As mentioned earlier, individuals, including sole proprietors and partners, have a protected right to exchange their property, including retail sales and purchases. These are not proper subjects of taxation.

Corporations doing retail business exist and do business as a matter of privilege and are rightfully subject to taxation applied to all of the personal property of the corporation that is sold.

Taxing corporations for the retail property sold places the responsibility for reporting the value of that property and paying the tax on an entity that is properly within the constitutional jurisdiction of the government. It protects individuals from an unconstitutional tram-

(cont'd on pg 11)

Calendar of Events

October 7, 2004 - 7:30 PM

Libertarian Party of Washtenaw County Monthly Business Meeting. Dinner at 7pm, meeting 7:30pm.

Location: Cubs' AC Restaurant (located in the Colonial Lanes Bowling Center) at 1950 S Industrial Hwy, Ann Arbor.

Contact: Jeff Weber Phone: (734) 434-6486 E-mail: humanism@comcast.net

October 13, 2004 - 7:30 PM

Libertarian Party of Oakland County Executive Committee meeting. All dues-paying members are welcome.

Location: Kerby's Koney Island at the NW corner of Square Lake and Woodward in the Kingswood Plaza.

Contact: Nathan Allen Phone: (248) 891-3003 E-mail: chair@LpocMi.org

October 14, 2004 - 6:30 PM

College Libertarian Night: promotional meeting for the U-M Libertarian group. Free pizza and a speech by CL founder James Hudler.

Location: Cubs' AC Restaurant (located in the Colonial Lanes Bowling Center) at 1950 S Industrial Hwy, Ann Arbor.

Contact: Jeff Weber Phone: (734) 434-6486 E-mail: humanism@comcast.net

October 14, 2004 - 7:00 PM

Libertarian Party of West Michigan monthly meeting.

Location: Club North Banquet Room at 1359 Plainfield NE; just North of Leonard in Grand Rapids.

Contact: Membership Director Steve Van Til Phone: (616) 738-2807 Email: stevev@lpwm.org

October 21, 2004 - 7:30 PM

Forum: former LPM Chairs James Hudler, Stacey Van Oast, Emily Salvette, Brian Wright, Keith Edwards, and Tim O'Brien. Location: Cubs' AC Restaurant (located in the Colonial Lanes Bowling Center) at 1950 S Industrial Hwy, Ann Arbor.

Contact: Jeff Weber Phone: (734) 434-6486 E-mail: humanism@comcast.net

November 10, 2004 - 7:30 PM

Libertarian Party of Oakland County Executive Committee meeting. All dues-paying members are welcome.

Location: Kerby's Koney Island at the NW corner of Square Lake and Woodward in the Kingswood Plaza.

Contact: Nathan Allen Phone: (248) 891-3003 E-mail: chair@LpocMi.org

November 11, 2004 - 7:00 PM

Libertarian Party of Michigan monthly meeting.

Location: Club North Banquet Room at 1359 Plainfield NE; just North of Leonard in Grand Rapids.

Contact: Membership Director Steve Van Til Phone: (616) 738-2807 E-mail: stevev@lpwm.org

December 9, 2004 - 7:00 PM

Libertarian Party of West Michigan monthly meeting.

Location: Club North Banquet Room at 1359 Plainfield NE; just North of Leonard in Grand Rapids.

Contact: Membership Director Steve Van Til Phone: (616) 738-2807 Email: stevev@lpwm.org

February 26, 2005 - 6:00 PM

Freedom Dinner 2005 hosted by the Tri-City Libertarian Party

Location: The Grand Banquet & Conference Center, Essexville, MI

Contact: Rae Jozwiak Phone: (989) 922-5226 E-mail: jozie@mail.com

Chair's Message

(cont'd from pg 4)

all. Make your plans now and look for more on the date and place to be announced shortly. Also underway are plans for our State Convention next April. It'll be on the last weekend in April and will be in Mt. Pleasant. It'll give us all a chance to enjoy springtime at a location where the pace is little more leisurely and the hubbub of the city is not constantly before us. Make plans for this weekend in April and look forward to enjoying yourselves.

As you recall, the Convention next year is the one at which our By-Laws are reviewed and appropriate changes are recommended. We have the By-Laws Committee already in place and our Chair is Ernie Whiteside of our Wayne County Affiliate (Monroe Division) and we're glad to have Ernie's enthusiasm leading the way. This is also a good time to mention that we always need help from our members to make our programs successful. The LEC cannot do it all and if any of you are willing to help with our activities or special projects please contact me at 313-837-9082 or at chair@lpmich.org and I will be happy to get something for you to do. Our Vice-Chair, Jim Miller, presently needs a Political Director, for example, and we would all appreciate someone stepping up to the plate and helping with that activity. The simple fact is that the Party is only as strong as the members who are willing to help make it strong. That means you. Please consider giving the Party a hand. Thanks in advance for your help. Many hands make light work.

Finally, we are sorry to report that LEC member Greg Stempfle has had to resign because of personal commitments. We already miss him and thank him for his many contributions to the Party and to the Wayne County Affiliate. We hope to see him back soon. Meantime, we have a replacement in the person of Jerry Bloom from Oakland County and we thank him for filling the vacancy on the LEC. Jerry has previously served as an LEC member as well as Party Treasurer and it's good to have an experienced hand on duty. Thanks, Jerry.

That's it for now. Let's use this election season to support our Libertarian candidates statewide. They all can use our help. Let's provide it. Get those bumper stickers and lawn signs visible and make those contributions to their campaigns. We don't have much time left.

(cont'd from pg 3)

For more information on press releases, visit:

 $http://www.lp.org/services/lv/\\ 200001/pressreleases.html$

After your campaign, pass your list of media contacts on to your local affiliate and help build up their database of media contacts.

Web Site:

Web sites are good reference locations, but do not expect to get a lot of hits. They are a good place to put position papers and photos of yourself. The press may occasionally be interested. Web sites cost relatively little.

Be sure to have a link to your local (county) affiliate, your state party, and the national party. Also have a link directly to the page on the national party's web site where somebody can join the Libertarian Party (https://secure.lp.org/scripts/join.php).

Use a form on your web site to collect names of people who want more information. Can you collect 100 names this way. How many of them will become members?

Speaking Engagements:

The other thing you can do as a candidate is speak to a variety of groups. Prepare your speech well in advance. Write it out word for word. You won't read your speech when it is time to deliver it, but having it written out in advance will make you better prepared.

Practice your speech in front of your local Libertarian affiliate. Arrange with neighboring affiliates to deliver your speech to them. Once again, have a creative title to grab their interest. And, practice, Practice, PRACTICE!

And then when you are ready, contact various groups around town and let them know that you are available to speak to their group. Look them up in the phonebook or on the Internet. Send them postal mail or email, or call them. Your local Kiwanis Club, Lions Club, Optimists Club, high schools, colleges, etc. are all starving for speakers. If you doubt this, think about the trouble you have getting speakers for your local Libertarian meetings.

How do you turn this speaking engagement into an outreach activity? At the end of your speech, simply ask people who are interested in learning more about the Libertarian Party to give you their business card. Pass these cards on to your local affiliate or state party so they can send them an information package. Can you collect 100 business cards during your

campaign? If you can, you are doing really well

When your campaign is over, give your list of clubs, etc., to you local affiliate in case they want to do a mailing in the future for their Speakers' Bureau.

Issue Campaigns:

An alternative is to focus on a particular issue and raise public awareness. Rally your friends and family in your district and have them write letters to the editor about a particular issue. Five to ten letters to the local paper can have a strong affect on candidates. Then, issue your candidate statement in support of the issue. Before too long, you will find one or more of your opponents jumping on the bandwagon.

You can make a particular issue the focal point of your speaking engagements. If you have enough support, you can even hold a rally for the issue where you are the key speaker—just make sure you have the support so it doesn't turn out like the rally in support of Martha Stewart.

Debates:

You will possibly be invited to some debates. Make sure you let the local Libertarians know about your debate so that they show up for moral support. Study the issues. Remember that you are not going to win everybody over, so the audience should at least leave the debate thinking you are a nice person.

One of my favorite events was a congressional debate. Our candidate was intelligent and well-informed, but he was also funny (something I didn't know about him). Theygot on the issue of drugs. The canididate said that we are not going to solve the drug problem until we recognize that drug-addiction is a medical problem, not a crimminal problem.

"We donit put people in jail for getting the clap," he said, "so why do we put them in jail for being addicted to drugs?" The audience laughed hysterically.

If you need hel preparing for a debate, contact your local chair. He can direct you to the people who have the campaign experience necessary to get you ready.

Surveys:

You will receive several surveys from various special interest groups. You will most likely not be telling them what they want to know. Don't let that bother you. Special interest groups always want money from the govern-

ment and their questions will all be about whether or not you will support a subsidy or special legislation for their group.

Be honest and true to Libertarian principles—after all, if you got this far, you already know your race is unwinnable. But more important, be kind and gentle. If you have an opportunity to explain your position, then explain how a Libertarian solution will work better than a government handout. As always, since they aren't going to agree with you, at least let them think you are polite, intelligent, and concerned about their issue.

The Experiment:

As much as I tell people they aren't going to win if they don't do the basics, everybody thinks they are going to be different. Famed Armenian author, William Saroyan, is rumored to have said on his deathbed, "I always thought God would make an exception in my case." Likewise with your candidacy—God will not be making an exception for it.

But, perhaps everybody needs to prove it to himself. Thus, I make the following suggestion. Pick 5 precincts in your district.

- 1. Lit-drop/mail one of those precincts each week for the 5 weeks preceding the election.
- 2. Lit-drop/mail one of those precincts each week for the 4 weeks preceding the election.
- 3. Lit-drop/mail one of those precincts each week for the 3 weeks preceding the election.
- 4. Lit-drop/mail one of those precincts each week for the 2 weeks preceding the election.
- 5. Lit-drop/mail one of those precincts each week for the 1 weeks preceding the election.

The remaining precincts in your district will be the "control" precincts for the experiment. Then, after the election, compare the results in each precinct. Since we are always interested in the results of experiments, please email your results to: troika@5pac.org.

Summary

Your campaign can be fun and you can help spread Libertarian ideas and even sway your opponents in a Libertarian direction. Remember to keep it fun and treat everybody with kindness so they know that Libertarians are good people. Just because you aren't going to win, doesn't mean that you can't have an impact.

LPOC Launches Blog

(cont'd from pg. 1)

the local (city, township, or village) governments proposing new laws or new taxes to address issues," said LPOC Chair Nathan Allen. "Our goal with this blog is to expose the public to 'less government' alternatives. Perhaps we will even see some elected officials referencing the solutions proposed on thisblog."

LPOC members who wish to blog in addition to commenting on posts, can use the convenient "Register" link on the lower right portion of the web site. Authorization will be determined on a case by case basis.

Although only 5 days old, the blog is already increasing traffic to the web site, and people are staying longer when they come to the site. Internet users can find the LPOC blog at:

http://www.LpocMi.org/blog/

Liberty Fest 2004 being held in Okemos

The annual Liberty Fest banquet is scheduled for Saturday, November 13 from 7 to 11 pm at the Hampton Inn & Suites at 2200 Hampton Place, just off Okemos Road north of I-96 exit 110. The banquet cost is \$40 per person including dinner and door prizes. There will also be a raffle. Special room rates of \$75 for the event can be reserved by calling the Hamton Inn at (517) 349-6100.

Sponsored by the Capital Area Libertarian Party, the keynote address will be delivered by Libertarian Presidential candidate Michael Badnarik, fresh off the campaign trail. Author of the constitutional reference book "It's Good to be King", Mr. Badnarik will be presenting a class on the US Constitution the next day at the same location.

Awards will be presented after dinner to Defender of Liberty recipients. A social hour with a cash bar begins the evening at 6 o'clock. Reservations are being accepted by Will Tyler White who can be reached at 517 349-3806, or you can mail a check to CALP, POB 27065, Lansing MI 48909-7065.

Badnarik Ballot Project

(cont'd from pg.1)

-tor.

I thank them for their help. Having a candidate for president on the ballot is crucial for LPM's viability. Although there are about 65 LPM candidates on the ballot, the vast majority are nominal candidates who don't plan to spend any money campaigning. Probably only Mark Powell and I will spend more than \$1000. And I'm running for an office that is technically nonpartisan. Without Badnarik and Campagna, the only offices that would show Libertarian candidates on all ballots state-wide would be the eight for the educational boards along with the respective congressional candidates.

The news media give much more attention to presidential candidates. Most people learn about the Libertarian Party because of coverage of our presidential candidate. It is primarily our presidential candidates that inspire people to join LPM and renew their membership. Without a candidate for president on the ballot, LPM membership would continue to decline.

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Supreme Court Campaign Notes

by Leonard Schwartz

I'm actively campaigning to be a justice on the Michigan supreme court. I've been handing out my campaign flier and talking to people at art fairs, park concerts, and other community events in the Detroit - Ann Arbor area. Many people say they already have my flier from a previous event. I'm building name recognition. People are visiting my website and sending me comments and campaign contributions.

Many people know that candidates for the supreme court, unlike those for all other judgeships, are nominated by political parties. Many ask which party nominated me. When I say Libertarian, the positive responses greatly outnumber negative ones. This shows that libertarianism already has public support. The Libertarian Party's biggest problem is getting libertarians to vote Libertarian.

Some people have asked me for lawn signs. On the advice of my campaign advisers, I plan to spend contributions on newspaper ads instead. For more information, or to make a contribution, go to www.Schwartz45.com.

Economics, Ideology and the Protection of Marriage

(cont'd from pg 2)

without a difference. Some states allows couples to register a "domestic partnership." But in those states, a domestic partnership does not have the same legal status as a marriage.

The "Protection of Marriage" Proposal Michigan ballot proposal 04-2 seeks to add to the state constitution the following new section: "To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one women in marriage shall be the only agreement recognized as a marriage or similar union for any purpose." The amendment would prohibit the government from treating a samesex couple as married. But the proposal doesn't seek to prohibit businesses or nongovernment organizations from treating a same-sex couple as married. Therefore the clergy could continue performing same-sex wedding ceremonies. And nongovernment employers could continue offering health insurance and other benefits to an employee's same-sex significant other. The proposal would repeat in the constitution the government's nonrecognition of same-sex marriages that already is part of Michigan statutory law.

Sponsors of the amendment say they are worried that the state legislature will repeal this statute or that the state supreme court will rule that the statute is unconstitutional. Because the Republicans have gerrymandered the legislature and the state supreme court has five Republicans and only two Democrats, this is highly unlikely in the foreseeable future. Sponsors of the amendment claim that it will "secure and preserve the benefits of marriage." But they don't say how it will benefit heterosexual couples or protect marriage as an institution. The sponsors apparently worship the government and consider a government license a worthy seal of approval. They apparently think that denying same-sex couples a government seal of approval will benefit heterosexual couples.

Libertarians don't worship the government and they don't consider a government license a worthy seal of approval. Libertarian couples get a marriage license only for economic reasons. Libertarians consider marriage to be essentially a private or religious institution. They oppose the government regulation of marriage.

The Libertarian Party platform also opposes government discrimination based on sexual orientation. Therefore, if the government issues marriage licenses, it should issue licenses to same-sex couples.

The Proper Application of Tax

(cont'd from pg 7)

The actual revenue collected need not be reduced and this tax still has a negative impact on the cost of consumer goods that must be carefully considered by legislators. Many small businesses could avoid paying this tax by organizing their business as a sole proprietorship or partnership but doing business in this way would remain to personally risky for large capitol ventures.

Limiting the Real Property Tax to the Real Property of Corporations

The current property tax system is beyond the pale! It places the tax on the individual who's unlimited right to property, including their real property, is violated. As mentioned earlier, individuals, including sole proprietors and partners, have a protected right to exchange their property, including retail sales and purchases. These are not proper subjects of taxation. The current property tax system is abused in excess with abatements to corporations that leave the full burden of taxation on individuals

Corporations owning real property exist and do business as a matter of privilege and are rightfully subject to taxation applied to all of the real property of the corporation.

Taxing corporations for the real property that they own places the responsibility for paying the tax on an entity that is properly within the constitutional jurisdiction of the government. It protects individuals from an unconstitutional trampling of their constitutionally defined rights. And, it reduces the cost implementing the tax.

The actual revenue collected need not be reduced and this tax still has a negative impact on the cost of consumer goods and services that must be carefully considered by legislators.

Many small businesses could avoid paying this tax by organizing their business as a sole proprietorship or partnership but doing business in this way would remain to personally risky for large capitol ventures.

Wouldn't Every Business Just Reorganize to Avoid Taxation?

No! There are many advantages to doing business as a corporation. The personal liability associated with doing business, as a sole proprietorship and partnership would, by itself, be adequate discouragement for this kind of move.

How Would This Reduce Government Excess?

It wouldn't! It would reduce the cost of administration and it would also reduce the intrusive nature of government for individuals. But, it would not, by itself, reduce the tax revenue. We still need to elect responsible legislators.

A few minutes ago, my Green friends were howling and my Constitutionalist and Libertarian friends were gloating. This approach to taxation should now draw the support of Greens everywhere and my Constitutional friends should also find some solace in this too. My Constitutional and Libertarian friends would still have a long way to go to reform government back to its constitutionally limited size.

Meeting Minutes

(cont'd from pg 5)

for outreach that meets the approval of the LEC Chairman.

Motion passed on voice vote.

Outreach will be overseen by Vice-Chair Miller.

Motion by Bloom, second by Allison, to pursue incorporation of the LEC.

Motion passes on voice vote.

Bloom and Allen departed at 2:35.

Motion by Miller, second by Allison, to adjourn.

Motion passed on voice vote. Meeting adjourned at 3:12.

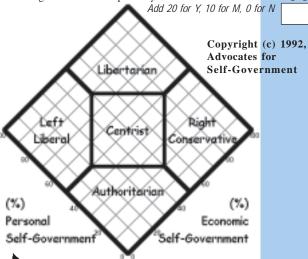
Minutes prepared by Tom Quinn, LEC Secretary

World's Smallest Political Quiz

Take the WORLD'S SMALLEST POLITICAL QUIZ. Then, use the Self-Government Compass to find your political position. Mark Y when you agree with a statement, M for Maybe, Sometimes, or Need-More-Information, or mark N for No.

Personal Issues	Y M N
Military service should be voluntary. (No draft)	0 0 0
Govt. should not control radio, TV, the press or the Internet	
Repeal regulations on sex for consenting adults	000
Drug laws do more harm than good. Repeal them.	000
Let peaceful people cross borders freely.	
Add 20 for Y, 10 for M, 0 for N	

ı	Economic Issues	Y M N
	Businesses and farms should operate without govt subsidies	000
Ì	People are better off with free trade than with tariffs.	000
	Minimum wage laws cause unemployment. Repeal them.	000
1	End taxes. Pay for services with user fees.	000
	All foreign aid should be privately funded.	000
	1 -1 -1 -2 -2	



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